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10/648,316	08/27/2003	Takeshi Namikata	00862.023193.	8282
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FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER	
			QIN, YIXING	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/648,316	Applicant(s) NAMIKATA, TAKESHI
	Examiner Yixing Qin	Art Unit 2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 11 March 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-5 and 7-14 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-5 and 7-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) Information Disclosure Statement(s) (PTO-166/08)
 Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application
 6) Other: _____

DETAILED ACTION

Response to Amendment

In response to applicant's amendment received 3/11/08, all requested changes have been entered.

Response to Arguments

Applicant's arguments with respect to all of the claims have been considered. The Murakawa invention shows in Fig. 2 a scanner control unit 211 that is connected to the scanner. This makes the scanner control unit analogous a device driver of the scanner since it facilitates the communication between the scanner and the rest of the system. In Fig. 2, one can see that it is constructed independently of the other parts of the image processing system as a separate module. From Fig. 2, it would appear that the data from a scanner would have to pass through this control unit in order to reach the rest of the components of the image processing system. Thus, a scanned image for the scanner would use this control unit to output the image. Please see the rejection below for more detail.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1, 2, 4-8, 9, 11, 12 rejected under 35 U.S.C. 103(a) as being unpatentable over Murakawa (U.S. Patent No. 7,155,051)

Regarding claims 1, 8, 11, 14, Murakawa discloses an image processing system having a host computer capable of communicatively connecting an image input-output device, the image processing system comprising:

a color space conversion unit for converting color space of an image which is an output from a device driver of the image input-output device into a common color space used in OS of the host computer using a color matching module included in the OS; (abstract, Fig.4, and column 4, lines 15-51. . The input image data is converted into a binary color space, with bits for a pixel to be set to either ON or OFF. This binary color space is a common color space. As discussed above, the methods discussed in the Murakawa invention can be run on a program on a host computer – Fig. 2. A CPU 201 is a color matching module since it is what would run the program)

It does not explicitly disclose that the image is an output form a device driver of the image input-output device.

However, drivers are well known in the art for the processing of data between various entities, such as between a computer and peripheral devices. In Fig. 2, item 211 is a control circuit for a scanner 8. While not called a driver, it enables a scanner to

be able to communicate its information with the other parts of the image processing system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a driver.

The motivation would have been to use a commonly known module for communication between devices .

Therefore, it would have been obvious to have included a known module to obtain the invention as specified.

a resolution conversion unit for converting resolution of the image which is the output from a device driver of the image input-output device into a predetermined resolution; (Fig. 4, item S11-S13 and column 4, lines 30-42 that the image is converted to a lower resolution for the purposes of easier detection.)

a determination unit for determining the extent of a match between a particular image and an image converted into said common color space and said common resolution; (Fig. 4, S14-15) and

an image processing control unit for controlling processing of said image output from a device driver based on the extent of the match as determined by the determination unit, (column 5, lines 4-21)

wherein the color space conversion unit, the resolution conversion unit, the determination unit and the image processing control unit are running on the OS, and the color space conversion unit, the resolution conversion unit, the determination unit and

the image processing control unit are constructed independently of the device driver of the image input-output device (Fig. 1, item 1, which is the controller of the image processing system performs the conversion and determination functions as shown in Fig. 3. Fig. 2 item 211 is the scanner control as discussed above in claim 1. One can see that they are separately constructed.)

Regarding claim 2, 9, 12, Murakawa discloses the image processing system according to claim 1, wherein the image processing control unit generates a warning if the extent of the match meets or exceeds a predetermined threshold value. (Fig. 4, item S14, S15 and column 4, lines 52-64, and also column 6, lines 37-45)

Regarding claim 4, Murakawa discloses the image processing system according to claim 1, wherein the particular image is an original image whose reproduction is prohibited. (column 1, lines 19-27)

Regarding claim 7, Murakawa discloses the image processing system according to claim 6, wherein said image input-output device either a scanner that scans an original image or a printer that outputs an image onto a recording medium. (abstract – a copier has a scanner and a printer portion)

II. Claims 3, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakawa (U.S. Patent No. 7,155,051) and further in view of Inoue et al (U.S. Patent No. 6,144,835 – “Inoue2”)

Regarding claim 3, 10, 13, the Murakawa reference discloses methods for prevention reproduction of counterfeit material.

It does not explicitly disclose “a dialog box display unit for displaying a dialog box used for inputting instructions as to whether or not to continue with processing if the extent of the match meets or exceeds the predetermined threshold value;

a record archiving unit for archiving the operating record if an instruction is given to continue with processing in response to said dialog box; and

a discontinuance unit for discarding the image if an instruction is given to discontinue with processing in response to said dialog box.”

However, Inoue2 discloses in Fig. 10, item S107 and 10, lines 34-50 that a third party confirmation may be needed for the reproduction of the bill. Inoue2 points out that a bill recognition signal is sent to the PC 60 for a third party to confirm. Since this information is readily available to the PC, it would have been obvious for one to record it using a well-known techniques such as storing related information in a database. Likewise, it is known to simply discard information that is not needed, if no confirmation is given to proceed with the copying.

The Murakawa and Inoue2 references are combinable because they are in the art of prohibition of copying of counterfeit material.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a dialog box to warn users of potential illegal copying and to keep track of the actions taken.

The motivation would have been to give an user a warning prior to image reproduction and to keep track of situations of potential illegal activity.

Therefore, it would have been obvious to combine Murakawa and Inoue2 to obtain the invention as specified.

III. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murakawa (U.S. Patent No. 7,155,051) in view of Official Notice.

Regarding claim 5, Murakawa shows a computer connected to a printer and scanner.

It does not explicitly disclose "the image processing system according to claim 1, further comprising: a driver for the image input-output device that runs on the host computer's software"

However, drivers are well known in the art for the processing of data between various entities, such as between a computer and peripheral devices

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a driver.

The motivation would have been to used a commonly known module for communication between devices

Therefore, it would have been obvious to have included a known module to obtain the invention as specified.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on (571) 272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ

/Twyler L. Haskins/
Supervisory Patent Examiner, Art Unit 2625